

REMARKS/ARGUMENTS

Claims 34-58 are active in this application. The claims have been amended for clarity and are supported by Claims 1-33 and the specification as originally filed. Claims 34-48 are drawn to the elected subject matter. With respect to Claims 49-58, Applicants request that the claims be rejoined with the allowable elected claims according to the practice set forth in MPEP § 821.04.

The specification has been amended to address the Examiner's objections set forth on page 7 of the Official Action. No new matter is added by these amendments.

Applicants would like to thank Examiner Kerr for the helpful and courteous discussion granted to the Applicants' undersigned representative on September 5, 2003. During this discussion, amendments to the claims and providing an English translation of the German priority documents was discussed to address the rejections raised in the current Office Action. To that end, Applicants attach herewith certified English translations of both German priority applications: DE1004335.9 filed on September 2, 2000 and DE10109688.7 filed July 28, 2001.

Accordingly, since the effective date of the Pompejus et al (WO 01/00843) is January 4, 2001, Applicants request that the rejection under 35 U.S.C. § 102(a) be withdrawn.

The rejection of Claims 1-2 and 5-6 under 35 U.S.C. § 102(b) over Johnston et al is obviated by the cancellation of Claims 1-2 and 5-6. Johnston et al does not disclose the claimed isolated polynucleotides and as such Applicants request that this rejection also be withdrawn.

The objections to the claims as set forth on page 8 of the Official Action are obviated by the cancellation of the claims. Similarly, the rejections of the claims under 35 U.S.C. § 112, second paragraph, have also been obviated by the cancellation of those claims.

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The rejections of the claims under 35 U.S.C. § 112, first paragraph (written description and enablement) are obviated by the cancellation of these claims. Applicants have taken the Examiner's suggestion and note that Claim 45, which comprises a nucleotide sequence that hybridizes to the complement of all SEQ ID NO:1 also calls for a protein having O-succinylhomoserine sulphydralase activity. Conditions for hybridization are described in the application on page 9.

Applicants also request this application now be passed to issuance.

Respectfully submitted,

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